

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/721,271</p>	<p>Applicant(s) OH ET AL.</p>	
	<p>Examiner PARAS SHAH</p>	<p>Art Unit 2626</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626

/Paras Shah/
Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: The Applicant's arguments fail to put the application in condition for allowance. In response to the first argument regarding claims 1 and 18, the Applicants argue that Eryilmaz fails to disclose a random parameter extraction unit and the speech follows set patterns. The Examiner respectfully traverses this argument by stating that the addition of noise to the signal makes the signal random at each point since it is unknown at the time point whether a significant amount of noise or speech is present. Hence, the signal at a specific time point is random. This is seen in Eryilmaz col. 2, lines 30-42, where thresholds are used to determine voice presence. Further, in combination with reference of Durlach, which adds noise to the signal, the signal becomes corrupted at specific points. This is similar to the claimed limitations in claim 1, where incoming voice signal is added to white noise.

In response to the Applicant's second argument regarding claims 1 and 18, the Applicants argue that the cited references fail to suggest a whitening unit. The Examiner respectfully traverses this argument by reciting the Neti reference col. 6, lines 4-29, specifically lines 27-30. White noise is added to a chirp signal. Further, it is shown in another reference, by Kim et al. ("Auditory Processing of Speech Signals for Robust Speech Recognition in Real-World Noisy Environments", 1999) on page 61, sect. IV, right column, lines 3-5, white noise is added to word utterances to evaluate performance in a noise environment. Hence, it would have been obvious to add white noise to the noise being added by Durlach for various types of environments.

In response to the Applicant's third argument regarding claims 1 and 18, the Applicants argue that one skilled in the art would have no motivation to combine Kushner and Durlach since Kushner includes a single microphone and Durlach includes several microphones. The Examiner respectfully traverses this argument by first stating that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). The teaching relied on for the secondary reference, namely Durlach is the addition of noise to a signal source (see col. 5, lines 56-65). Hence, this teaching modifies the primary reference (Kushner) in view of Durlach where white noise is added to the input frames as cited in Kushner col. 4, lines 6-7. Furthermore, in col. 3, lines 33-37, Kushner teaches using multiple microphones that may be present. Hence, the combination of Kushner in view of Durlach in view of Eryilmaz would have been combined using the known methods as stated above to obtain predictable results. Hence, since the knowledge was taken into account within the level of one of ordinary skilled in the art at the time of the claimed invention was made and does not as stated by the Applicant cobbled together various references based on applicant's disclosure, such a reconstruction is proper, where motivation for combining Kushner in view Durlach is found from the secondary reference, col. 5, lines 61-62 and col. 1, lines 10-14 for adding noise that normally occurs in speech recognition, specifically as a result of directional information, which simulates environmental conditions as needed.

Hence, all of the rejections from the prior Office Action are maintained regarding claims 1-5, 7-15, 18-22, and 24-31. Claims 6, 16, 17, 23, 32, and 33 are objected to as having allowable subject matter but dependent upon a rejected base claim.